

## **REMARKS**

### **STATUS OF THE CLAIMS**

Claims 1, 3, 5-14, 16, and 18-31 are presently pending. Claims 1, 14, and 27 have been amended to further define the dispersant compound. Support for these amendments can be found in original claims 2 and 15, and in the originally filed specification, for example at page 11, lines 17-33. Claims 2, 4, 15, and 17 have been cancelled. No new matter has been added.

### **REJECTION UNDER 35 U.S.C. §103**

The Examiner rejected claims 1-3, 5-16, and 18-31 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,492,638 to Wallace et al. ("Wallace") in view of U.S. Patent Application No. 2002/0151443 to Srinivasan ("Srinivasan"). Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness. In particular, the Examiner has failed to establish that the combination of references teaches or suggests the claimed invention.

The Examiner admitted that *Wallace* does not teach or suggest the claimed friction modifying compound, c. See Office Action at page 3. However, the Examiner relied upon *Srinivasan* for specifically teaching "a friction modifier system composed of a combination of at least one N-aliphatic hydrocarbyl-substituted diethanol amine and at least one N-aliphatic hydrocarbyl-substituted trimethylene diamine in which the N-aliphatic hydrocarbyl-substituent is at least one straight chain aliphatic hydrocarbyl group free of acetylenic unsaturation and having in the range of about 14 to about 20 carbon atoms." See *id.* at page 4. The Examiner argued that it would have been "obvious for one of ordinary skill in the art to include the trimethylene friction modifying

compounds of *Srinivasan* in the conventional lubricant composition of *Wallace* with the expectation of achieving improved antioxidant, anti-wear, and extreme pressure properties." See Office Action at page 5. Applicants respectfully disagree. However, in the interest of advancing prosecution, Applicants have amended claims 1, 14, and 27 to recite "a dispersant compound containing basic nitrogen, wherein the dispersant compound comprises a polyolefin amide compound." Applicants respectfully submit that neither *Wallace* nor *Srinivasan* teach or suggest the presently claimed dispersant compound, d.

*Wallace* teaches various condensation products formed by condensing a long chain hydrocarbon-substituted phenol with one or more aliphatic aldehydes, and one or more polyamines. See col. 3, lines 30-40. For instance, the additive concentrate of *Wallace* utilizes a boronated Mannich ashless dispersant. See col. 7, line 60. However, the reference does not particularly teach or suggest a polyolefin amide compound.

Moreover, *Srinivasan* fails to overcome the deficiency of *Wallace*. *Srinivasan* teaches a wide variety of oil-soluble phosphorus or boron-containing ashless dispersants. See paras. [0043] to [0058]. In particular, *Srinivasan* teaches phosphorylating or boronating an ashless dispersant having basic nitrogen and/or at least one hydroxyl group in the molecule. See para. [0044]. However, the reference does not particularly teach or suggest a polyolefin amide compound.

Thus, the combination of *Wallace* and *Srinivasan* fails to teach or suggest all of the claimed elements. For at least the foregoing reasons, the Examiner has failed to establish that the combination of cited references would have rendered obvious the

claimed invention. Reconsideration and withdrawal of the rejection are respectfully requested.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 50-2961.

Respectfully submitted,

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